IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2935/2003

SUBHASH CHAND Vs. LAL CHAND & ORS.

DATE: 26.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. V.S. Yadav for the petitioner.
Mr. N.S. Yadav for the respondents.

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This writ petition is directed against the orders impugned dated 26.07.2002 and 24.02.2003 passed by the Motor Accident Claims Tribunal, Behror in Claim Case No. 74/1999.

An application was filed by the petitioner stating that the petitioner due to accident suffered a fracture in his backbone and is not able to even walk and on account of injury, disability is assessed as 100%.

Vide order dated 26.07.2002 the service of respondent No.2 Manohar Lal Yadav was closed by the MACT Court as after giving opportunity to publish the notice of respondent No.2 which was given to the learned counsel appearing for the petitioner for publication in the news paper, has not been published and, therefore, the service was considered effective on respondent No.2 and the mater was fixed for framing issues.

Against the said order dated 26.07.2002, a review petition has been preferred by the petitioner and the same has been rejected by the MACT Court vide order dated 24.02.2003 as the petitioner has not filed any affidavit of the advocate along with the application.

Looking to the injury sustained by the petitioner and the gravity of the matter, in the interest of justice, I deem it proper to provide one chance to get the notice of respondent No.2 published in the Daily Hindi News Paper largely circulated in the area and the MACT Court is directed to give fresh requisition for publication of the notice to the petitioner and the same may be published in the Daily Hindi News Paper largely circulated in the area within a period of seven days, failing which the order impugned dated 26.07.2002 passed by the MACT Court shall remain in force.

With these observations, the writ petition stands disposed of.

The interim order dated 01.05.2003 granted by this Court stands vacated. The stay application stands rejected.

(K.S. RATHORE),J.

/KKC/